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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/770,392

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Nobuyuki Hiratsuka

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EXAMINER

BELL, CORY C

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/770,392

Applicant(s)

HIRATSUKA ET AL.

Examiner

Cory C. Bell

Art Unit

2164

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.


SAM RIMELL
PRIMARY EXAMINER

DETAILED ACTION

1. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-21 are rejected under 35 USC 112 2nd.

3.1. *As per Claim 1,*

3.1.1. “its synonym” is unclear as to how a specific synonym is selected for a search word;

3.1.2. “for each of said search word” is unclear as there is only a search word claimed;

3.1.3. “that was selected” is unclear in its meaning as there is no prior recitation of a user making a selection.

3.2. *As per Claim 2,*

3.2.1. The relationship between “a search word” in claims 2 and 1 is unclear.

3.3. *As per Claim 3,*

3.3.1. The relationship between “a synonym” in claim 3 and “its synonym” in claim 1 is unclear;

3.3.2. the relationship between “a first appearance frequency” and “an appearance frequency” in claim 1 is unclear.

3.4. *As per Claim 4,*

3.4.1. the relationship between “said appearance frequency” and the prior recitations of appearance frequencies is unclear.

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3.4.2. "each of said search word" is unclear as there is only a search word claimed;

3.5. *As per Claim 6,*

3.5.1. "Said predetermined condition" lacks antecedent basis.

3.6. *As per claims 8-21,*

3.6.1. They contain errors similar to those listed above.

3.7. *As per claims 16-21,*

3.7.1. They are directed to the search method as set forth in claim 15; however, claim 15 is an apparatus claim.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 8-14 are rejected under 35 U.S.C. 101 for the following reasons:

5.1. The claims are stored on a medium which is defined in the specification as containing digital signals and it thus, non tangible,

5.2. The claims are also rejected as being software *per se* as they are embodied on a medium but not processed, and thus do not provide a useful concrete and tangible result.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-3, 5-6, 8-10, 12-13, 15-17, and 19-20 are rejected under 35 U.S.C. 102(b) as being Clearly Anticipated by US 5692176, known hereafter as Holt.

7.1. As per claim 1,

1. A search method comprising: specifying a search word included in a search condition designated by a user(Col 2 lines 7-10); obtaining evaluation data that is at least either of a score based on an appearance frequency(Col 1 lines 66-67) and a number of documents including said search word or its synonym, for each of said search word and its synonym; presenting said user with said search word and its synonym(Figures 12 and 13) and the corresponding evaluation data (Figure 12 and 13 show terms and corresponding synonyms included and not included, which is corresponding evaluation data using the broadest reasonable interpretation) in a manner in which said search word or its synonym is selectable(Figures 12 and 13); and presenting said user with data concerning a document including said search word or its synonym that was selected by said user.(Figure 17)

7.2. As per claim 2,

2. The search method as set forth in claim 1, wherein said specifying comprises extracting a search word from a sentence input as said search condition by a morphological analysis. Col 2 lines 19-20, and Figure 7 shows the search description being a sentence)

7.3. As per claim 3,

3. The search method as set forth in claim 1, wherein said obtaining evaluation data comprises: extracting a synonym from said search word;(Col 7 lines 40-61) and counting either of said number of documents including said search word or its synonym (Figure 16

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item 186)and a first appearance frequency of each of said search word and its synonym by searching documents by using said search word and its synonym.

appearance frequency.

7.4. *As per claim 5,*

5. The search method asset forth in claim 1, wherein said first presenting comprises: judging whether or not said evaluation data of said search word and its synonym satisfies a predetermined condition; and presenting said user with said search word or its synonym whose evaluation data satisfies said predetermined condition in a state indicating being pre-selected and said search word or its synonym whose evaluation data does not satisfy said predetermined condition in a state indicating being unselected.(Col 8 Lines 3-14, all term are initially pre-selected for the search and those that fail to meet the predefined condition are then unselected)

7.5. *As per claim 6,*

6. The search method as set forth in claim 1, wherein said predetermined condition is a condition in which said number of documents including said search word or its synonym is lower than a first threshold, (Col 6 lines 41-54)or a condition in which said score based on said appearance frequency for said search word or its synonym exceeds a second threshold.

7.6. *As per claim 8,*

See Claim 1 rejection.

7.7. *As per claim 9,*

See Claim 2 rejection.

7.8. *As per claim 10,*

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See Claim 3 rejection.

7.9. *As per claim 12,*

See Claim 5 rejection.

7.10. *As per claim 13,*

See Claim 6 rejection

7.11. *As per claim 15,*

See Claim 1 rejection.

7.12. *As per claim 16,*

See Claim 2 rejection.

7.13. *As per claim 17,*

See Claim 3 rejection.

7.14. *As per claim 19,*

See Claim 5 rejection.

7.15. *As per claim 20,*

See Claim 6 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 4, 7, 11, 14, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5692176, known hereafter as Holt in view of US 6473753, known hereafter as Katariya.

7.16. *As per claims 4, 11, and 18,*

4. The search method as set forth in claim 3, wherein said obtaining evaluation data further comprises: counting a second appearance frequency of said search word in a sentence input as said search condition; and calculating said score based on said appearance frequency by using said second appearance frequency of said search word and said first appearance frequency of each of said search word and its synonym.

Holt teaches a program that calculates and displays scores for search terms and synonyms, as discussed above, but fails to expressly disclose counting multiple appearance frequencies and using them to calculate a score. However, Katariya teaches counting the number of appearances for multiple documents and calculating score for each term based on the appearance frequency in all the documents in col 4 line 14-28. Thus it would have been obvious to one of ordinary skill in the art to include the invention of Katariya in Holt as "It is, of course, desirable to use a formula that results in weights that most accurately reflect the importance or information score of terms." (Katariya col 2 lines 66-67)

7.17. *As per claim 7, 14, and 21,*

7. The search method as set forth in claim 1, wherein said second presenting comprises: counting a third appearance frequency of said search word or its synonym that was selected by said user, in said documents including said search word or its synonym that was selected by said user; and presenting said user with said documents including said search word or its synonym that was

selected by said user in order of values calculated by using said third

Holt teaches a program that calculates and displays scores for search terms and synonyms selected by the user and presenting document containing those selected, as discussed above, and displaying documents according to rank in col 2 lines 29-31 , but fails to expressly disclose counting multiple appearance frequencies and using them to calculate a score. However, Katariya teaches counting the number of appearances for multiple documents and calculating score for each term based on the appearance frequency in all the documents in col 4 line 14-28. Thus it would have been obvious to one of ordinary skill in the art to include the invention of Katariya in Holt as “It is, of course, desirable to use a formula that results in weights that most accurately reflect the importance or information score of terms.”(Katariya col 2 lines 66-67)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SAM RIMELL
PRIMARY EXAMINER